

## **Meeting notes from Meeting with North and South Dakota 8/4/2021**

Non-OPP Attendees: Tom Gere, Lukas Wagner, Eric Delzer, Lim McIntosh, Joseph McFarley, Andrew Thostenson, Kent Woodmansey, Kimberly Pardue-Welch, Peg Perreault

### **South Dakota**

- Current growing conditions: severe drought. Growers are anticipating that dicamba injury plus drought will reduce yields. Previously, there has been rainfall that allowed plants to outgrow dicamba injury. There are some fields that have not seen any growth in 3 weeks.
- Adoption of DT technology is driven by weed pest (e.g., if Kochia is the major weed, DT seed are used, otherwise someone may chose non-DT seed).
- Currently, there are 14 reports of damage in South Dakota; Historically, they would receive 15-20 incidents. Most reports are attributed to non-DT soybean, but there are reports of damage to residential landscapes (e.g., gardens, roses).
- ND has 7 formal complaints. This represents an overall decrease in complaints compared to years past.
- State officials suspect incidents are more widespread than the number reflects. Reasons include:
  - Individuals do not want to turn in their neighbor.
  - People are applying it correctly and still seeing incidents and can't fault their neighbor when it isn't the neighbor's fault. For example, they have reports of neighbors working together so that Neighbor A assists Neighbor B with the application to make sure OTT dicamba is applied according to the label and damage still occurred to Neighbor A's soybean.
  - Crop insurance – there is severe drought in parts of the Dakotas (there has been no growth in 3 weeks and beans may not recover as in years past). If they file a drift complaint and the insurance company finds out, the insurance company will not pay out (i.e., insurance will not payout on yield losses associated with chemical injury).
- Environmental conditions may have created a perfect storm. Low rain/snow fall. High temperatures early in the season (e.g., soil temperatures were documented at 130°).
- Previously, incidents came in at the beginning of July, indicating that June 15<sup>th</sup> would be a good cutoff (application +14 days for symptomology to occur). However, considering the benefits of weed control, they gave growers extra time for application and had a June 30<sup>th</sup> cutoff date. In most years, the visual symptomology did not appear to attribute to yield loss; however, in 2021, cupping plus severe drought is expected to have a negative impact on non-DT soybean farmers' yield.
- In 2017, investigations indicated applications were not made according to the label (e.g., ammonium sulfate (AMS) was added to the tank, wrong nozzles). Training has been effective, and people are applying according to the label.
- They have received reports that that buffers are not being adhered to and that older formulations may be used in some instances. Unless you catch someone in the act, it is hard to prove this.
- Growers need to have the freedom to plant non-DT soybean, especially those growing non-GMO or organic soy that is sold a premium price.
- Incidents have been documented in ESA counties.

### **North Dakota**

- Largely agrees with report from South Dakota.

- Drought is a big concern for the reasons mentioned above.
- They have 7 formal complaints. This represents an overall decrease in complaints compared to years past. In addition to the reasons mentioned in SD, they indicate that people are not reporting because nothing is being done when a report is filed.
  - Fault is hard to establish. They get a call. Individual fills out a form. The case is assigned to an investigator. The investigator goes to the site and request pesticide records from surrounding area. By and large, the investigation indicates that the application was made according to the label. When applications are determined to be made according to the label, under North Dakota law, there is no infraction. Therefore, there is “no action” in the eyes of the individual who has been drifted upon.
- Injury is landscape-level (i.e., cupping is seen “fence row to fence row” and this is the norm, not the anomaly).
- Injury has been detected in ESA counties.
- Still receiving calls, beyond the 2 weeks beyond cutoff, but calls have slowed down.
- Concern that there is no control of what happens after the spray leaves the nozzle.
- Commercial applicators have too much at stake to not follow the label; some won’t even apply OTT dicamba due to potential liability.
- Uncertainty around private applicators and the use of VRAs. A co-pack of product + VRA may help, if there is a compliance issue.
- In 2021, calls have been complaints. In years past, in addition to complaints, they would receive calls indicating the technology was a valuable weed control tool. They have only received complaints this year.
  - Received a report that, “the technology works well, but my neighbors hate me now.” People are no longer advocating for it.
  - Growers have voiced concerns that, “I did everything right, but 2 days later the wind shifted, the temperature increased, and fields down wind of where the wind shifted were damaged.”
- Concerns over whether the low-level exposure from off-target movement may led to the development of dicamba-resistant weeds. Also, people are concerned about human health effects.
- Indicated that the west and north-west parts of Minnesota are seeing similar results.